

Before the West Virginia Board of Examiners of Psychologists

**W. Va. Board of Examiners of
Psychologists,**

Complainant,

v.

Ethical Inquiry No.: 2017-11

**Crystal M. Knight, MA
(License # 1042)**

Respondent.

Consent Agreement and Order

Pursuant to W. Va. Code § 30-21-1 *et seq.*, the West Virginia Board of Examiners of Psychologists (“Board”) commenced an investigation involving Respondent Crystal M. Knight, MA, and possible unprofessional and unethical conduct in violation of applicable statutes, rules, or ethical principles including, but not limited to, W. Va. Code R. § 17-4-4 and W. Va. Code R. § 17-3-6. Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State.

The parties have reached an agreement as to the appropriate disposition of this matter, with consideration to necessary safeguards for protection of the public, and do hereby agree to the following Findings of Fact, Conclusions of Law, and Order.

WHEREAS, the Board agrees and acknowledges this agreement is a compromise of claims disputed by Respondent.

WHEREAS, the parties have reached an understanding concerning the proper disposition of the matter in controversy, and do hereby agree to the following:

Findings of Fact

1. The Board is a State entity created by W. Va. Code § 30-21-1 *et seq.*, and is empowered to regulate the practice of psychology in this State.

2. Respondent, at all times relevant to this investigation, was a licensee of the Board, possessing License No. 1042, and is subject to the jurisdiction and authority of the Board and applicable licensing requirements.

3. The Board conducted an investigation regarding a written complaint it received from “M” a former client of Respondent concerning behavior that may have crossed professional boundaries between psychologist and client.

4. The alleged behavior took place around or shortly after the time Respondent was providing court-ordered family therapy counseling to both M and her husband D.

5. Respondent admits that she became friends with M and D.

6. Respondent admits assisting M in getting rental space for a business M was starting.

7. Respondent admits to visiting M and D at the business and having lunch with them.

8. Respondent admits to discussing her pending divorce with M and D.

9. Respondent admits she began a sexual relationship with her former client D beginning in August 2016.

10. Respondent admits that she engaged in sexual intimacies with a former client within two (2) years after cessation or termination of therapy in violation of Ethical Standard 10.08(a) of the *American Psychological Association’s Ethical Principles of Psychologists and Code of Conduct*.

11. The Board alleges that its review of documents and records in this matter show Respondent engaged in conduct, practices, or acts constituting a willful departure from accepted professional standards and violated applicable codes of conduct.

12. Respondent avers and maintains that, at all times at issue herein, and at all times in her practice as a licensee before the Board, she has followed applicable laws and regulations and has behaved reasonably and within the accepted standards of the profession, except for her violation of Ethical Standard 10.08(a) of the *APA's Ethical Principles of Psychologists and Code of Conduct*.

13. The Board and Respondent desire to resolve this disputed claim through the use of this negotiated Consent Agreement and Order as follows:

Conclusions of Law

1. The Board has jurisdiction to take disciplinary action against Respondent.
2. The Board is empowered to suspend, revoke, or otherwise discipline an individual's psychology license. See W. Va. Code § 30-21-10.
3. The Board may take disciplinary action against a psychologist, up to and including revocation of license, upon satisfactory proof that the psychologist, in his or her professional capacity, engage in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct in violation of W. Va. Code § 30-21-1 *et seq.* or the rules of the Board.
4. The Board has adopted the *APA's Ethical Principles of Psychologists and Code of Conduct*. The failure of a licensed psychologist to comply with the *Code of Conduct* constitutes a violation of W. Va. Code R. § 17-3-6 and is grounds for disciplinary action by the Board under W. Va. Code § 30-21-10 and W. Va. Code R. § 17-4-4.

5. Ethical Standard 10.08(a), *Sexual Intimacies with Former Therapy Clients/Patients*, of the *Code of Conduct*, states the following: “Psychologists do not engage in sexual intimacies with former clients/patients for at least two years after cessation or termination of therapy.” Ethical Standard 10.08(b) further states the following:

Psychologists do not engage in sexual intimacies with former client/patients even after a two-year interval except in the most unusual circumstances. Psychologists who engage in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated; (2) the nature, duration, and intensity of the therapy; (3) the circumstances of termination; (4) the client’s/patient’s personal history; (5) the client’s/patient’s current mental status; (6) the likelihood of adverse impact on the client/patient; and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post[]termination sexual or romantic relationship with the client/patient. (See also Standard 3.05, *Multiple Relationships*.)

6. Ethical Standard 3.04, *Avoiding Harm*, of the *Code of Conduct*, states the following: “Psychologists must take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

7. Ethical Standard 3.05(a), *Multiple Relationships*, of the *Code of Conduct*, states the following:

(a) A multiple relationship can occur when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.

A psychologist refrains from entering into a multiple relationship if this multiple relationship could reasonably be expected to impair the psychologist’s objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.

Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.

8. Ethical Standard 3.08, *Exploitative Relationships*, of the *Code of Conduct*, states that psychologists do not exploit persons over whom they have evaluative or other authority such as clients or patients.

9. Based on the Findings of Fact, Respondent breached the *Code of Conduct* in failing to avoid harm by having a personal friendship with M and D that crossed professional boundaries. Respondent did not take reasonable action to avoid causing harm.

10. Respondent breached the *Code of Conduct* by engaging in sexual intimacies with a former client/patient within two years after cessation or termination of therapy.

11. Respondent breached the *Code of Conduct* by carrying out a multiple relationship with M and D that risked exploiting or bringing harm to them individually or as a married couple.

12. Respondent breached the *Code of Conduct* by engaging in or fostering a personal relationship with M and D while they were receiving therapy or counseling. The nature or content of her actions with M and D indicates an effort by Respondent to exploit the therapist/client relationship.

13. Based on the allegations of unprofessional or unethical conduct set out above in the Findings of Fact, Respondent has failed or refused to comply with applicable law and/or regulation concerning licensed psychologists in West Virginia, which are grounds for disciplinary action pursuant to W. Va. Code § 30-1-8, W. Va. Code § 30-21-10, and applicable Board rules and codes of conduct.

Consent of Licensee

The Respondent, by affixing her signature hereto, acknowledges the following.

1. Respondent has been given the opportunity to consult with legal counsel and executes this negotiated Consent Agreement and Order voluntarily, freely, without compulsion or duress and is mindful that it has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein.

3. Respondent acknowledges that she is aware she may pursue this matter through appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

4. Respondent expressly acknowledges that the entire agreement is contained in this Consent Agreement and Order and no representations, promises, or inducements have been made by or to Respondent other than as appear in this Consent Agreement and Order.

5. Respondent acknowledges that this Consent Agreement and Order is a public document available for inspection by the public in accordance with the provisions set forth in the West Virginia Freedom of Information Act (W. Va. Code § 29B-1 *et seq.*), and may be reported to other governmental agencies, professional boards or other organizations.

6. Respondent waives any defenses including, but not limited to, laches, statute of limitations, and estoppel that she may have otherwise claimed as a condition of this Consent Agreement and Order.

7. Respondent consents to the entry of the following Order affecting her conduct as a licensed psychologist in the State of West Virginia.

Order

On the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Respondent, the West Virginia Board of Examiners of Psychologists hereby **ORDERS** the following:

1. Beginning on May 1, 2018, Respondent's license (# 1042) shall be suspended for a period of two (2) years. Respondent shall not engage in the practice of psychology, either directly or indirectly, in the State of West Virginia during such period of suspension.

2. Within 30 days from the entry of this Consent Agreement and Order, Respondent shall undergo psychotherapy or counseling, at her own expense, to address her ethical violations. The treatment shall be provided by a Board-approved psychologist. The treatment shall include at least two sessions per month. After twelve (12) months, the Respondent shall authorize the treating psychologist to submit a report of progress to the Board. The treating psychologist shall determine at this time if Respondent needs further treatment.

3. During the suspension period, Respondent shall, at her own expense, enroll in and successfully complete a Board-approved three hour in-person graduate level course relating to ethical psychology practice. Respondent shall submit a written verification to the Board of her enrollment and shall submit proof of having successfully completed the course.

4. The Respondent shall notify the Board in writing if she seeks to have her license reinstated at the end of the two (2) year suspension period. This written notification must be submitted to the Board no later than 60 days prior to the expiration of the suspension period.

5. At the Board's discretion a fitness for duty evaluation may be required for reinstatement.

6. If the Board does not approve of Respondent's request for reinstatement of license, Respondent may request a hearing to seek reinstatement. Any such hearing shall be scheduled and conducted in accordance with the provisions of W. Va. Code § 30-1-8 and W. Va. Code § 30-21-1 *et seq.*

7. If the Board approves of Respondent request for reinstatement of license at the end of the suspension period, Respondent's license shall be placed on probation for a period of two (2) years.

8. During this period of probation, and at her own expense, Respondent shall practice psychology only under the direct supervision of a licensed psychologist ["supervising psychologist"] of the Board's choosing, who shall cosign all evaluative and treatment work completed by Respondent. The supervising psychologist shall meet with Respondent once a week for minimum of one hour. The supervising psychologist shall submit quarterly reports to the Board regarding Respondent's performance. The parties shall execute a supervisory agreement outlining the terms of supervision prior to initiation of such supervision.

9. By the 1st day of the 23rd month of the probation period, the supervising psychologist shall submit a final report to the Board, which shall include a recommendation concerning Respondent's ability to return to independent practice.

10. During the 24th month of the probation period, Respondent shall appear before the Board to document and assure the Board she has met all requirements of the Consent Agreement and Order and affirm she is ready and able to return to independent practice.

11. After meeting with the Board, Respondent shall be reinstated to a licensee in good standing, provided she has complied with all the foregoing requirements of the Consent Agreement and Order, and subject to the recommendation of the supervising psychologist, and subject to her meeting continuation education requirements that may be needed in the normal course of renewing her license.

12. The Respondent shall reimburse the Board administrative and legal expenses incurred by the Board in the investigation and disposition of this case in the amount of

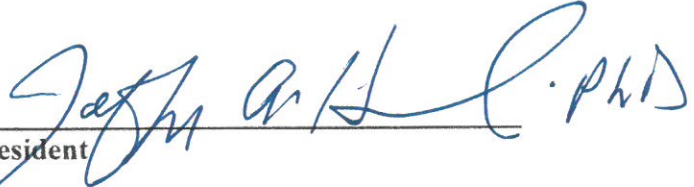
\$1,337.50. This amount shall be paid in full within six (6) months of the execution and entry of this Consent Agreement and Order.

13. Respondent shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring or investigation of Respondent's compliance with the terms and conditions of this Consent Agreement and Order.

14. Respondent's failure to comply with the terms and conditions of this Consent Agreement and Order hereby imposed shall be deemed a violation of this Consent Agreement and Order, and should Respondent violate any of the terms of this Consent Agreement and Order, the Board may immediately suspend Respondent's license. In the event Respondent contests any such allegations of violation of the Consent Agreement and Order, if any, which result in the suspension of Respondent's license, Respondent may request a hearing to seek reinstatement of her license. Any such hearing shall be scheduled and conducted in accordance with the provisions of West Virginia Code § 30-1-8 and § 30-21-1 *et seq.*

Entered this 5th of June, 2018.

W. Va. Board of Examiners of Psychologists




President

Inspected and Agreed to by:


Crystal M. Knight
Respondent

5-18-18
Date


Dara Acord
Respondent's Legal Counsel

5-18-18
Date